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Remarks

Claims 1-11 are pending. Claims 12-18 are withdrawn as being drawn to a nonelected species.

Claims 1-6 are rejected under 35 USC 102(e) as being anticipated by Henderson (6,527,326). The Action states that Henderson discloses a vehicle 32, a cargo bay 34, sidewalls 38, 40, first and second rigid cover members 12,14, first and second bracket assemblies with slots 104, 106 in Figure 9, releaseable fasteners 138, and two parallel cover retention members in Figure 9.

Claim 1 is rewritten herein to include the limitations of claim 2 and claim 2 is hereby cancelled. The specific limitation of claim 2 that is believed to differentiate it from Henderson is:

“wherein said bracket assemblies are configured to attach said cover members in the stored position such that said cover members are not touching each other.”

The cover members 12, 14, 16 in Henderson are “folded together in a consecutive Z-fold fashion along the hinges” (Col. 4, lines 30-31) such that the cover members touch each other. This is clearly illustrated in Figures 5 and 9 of Henderson. The storage brackets 104, 106 receive the whole folded tonneau cover with the panels folded back and forth on itself (Col.4, lines 50-52). Applicants respectfully request that the rejection of claim 1 as rewritten herein be withdrawn since Henderson does not teach and in fact teaches away from having bracket assemblies that store the cover members such that they do not touch.

Claims 3- 11, which depend from base claim 1, are believed to be allowable in light of the discussion above. Applicants respectfully request that the rejection be withdrawn.

With respect to claim 4, Henderson does not teach that “said bracket assemblies each include two parallel cover retention members”. Henderson has one retainer strap 140 for bracket 104 which retains all four cover members and a second retainer strap for bracket 106. It does not teach that each bracket includes two retention members. The present invention teaches first bracket assembly 30 having two parallel cover retention members 68 and 70. Likewise the second bracket assembly 32 has its own two parallel cover retention members as best seen in Figure 1 and described as the mirror image of the first bracket assembly in paragraph [0025].

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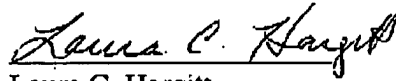
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Claims 7-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have added new claims 19-23, which are claims 7-11 rewritten in independent form including all the limitations of the original base claim 1 and any intervening claims.

Please charge any fees due to General Motors Deposit Account # 07-0960.

Applicants respectfully request that claims 1-11 and 19-23 be allowed and the case passed to issue.

Respectfully submitted,



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